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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 15-00150 JST
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO CONTINUE STATUS
vs.)	HEARING DATE TO APRIL 15, 2016 AND
)	TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT
DAVID GANDARA,)	
)	Hearing Date: March 11, 2016
Defendant.)	Time: 9:30 a.m.

The above-captioned matter is set on March 11, 2016 before this Honorable Court for a status hearing. This would be the first district court appearance in this case. The parties jointly request that the Court continue this matter to April 15, 2016, at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between March 11, 2016 until April 15, 2016.

On March 5, 2015, the government filed an indictment charging David Gandara in three counts with (1) felon in possession of a firearm and ammunition; (2) possession with intent to distribute 50 grams or more of methamphetamine; and (3) possession of a firearm in furtherance of a drug trafficking crime. If convicted on all counts, Mr. Gandara faces a combined mandatory minimum sentence of 10 years in custody and a maximum sentence of life imprisonment.

1 Mr. Gandara is in federal custody on a writ because he is currently serving a state
2 custodial sentence. Mr. Gandara recently made an initial appearance on the federal indictment.
3 He was arraigned on February 9, 2016 before the Honorable Kandis A. Westmore.

4 On February 9, 2016, defense counsel received the discovery in this case. The defense
5 needs additional time to review this discovery and to discuss it with Mr. Gandara. In addition,
6 defense counsel needs time to investigate and to research Mr. Gandara's criminal record
7 including the case for which he is currently serving a lengthy state sentence. Finally, counsel for
8 Mr. Gandara is out of town and unavailable March 26, 2016 through April 2, 2016.

9 As a result, counsel for Mr. Gandara needs additional time to review the discovery and to
10 research and to investigate the case. For these reasons, the defense requests additional time to
11 prepare, and the parties agree that it is appropriate to continue this case until April 15, 2016.

12 The parties stipulate and agree that the ends of justice served by this continuance
13 outweigh the best interest of the public and the defendant in a speedy trial. The parties further
14 agree that the failure to grant this continuance would unreasonably deny counsel for defendant
15 the reasonable time necessary for effective preparation, taking into account the exercise of due
16 diligence. Accordingly, the parties agree that the period of time from March 11, 2016 until April
17 15, 2016, should be excluded in accordance with the provisions of the Speedy Trial Act, 18
18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into
19 account the exercise of due diligence.

20
21 DATED: March 8, 2016

/S/
BRIGID S. MARTIN
Assistant United States Attorney

22
23 DATED: March 8, 2016

/S/
ANGELA MILELLA HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds:

1. Given that defendant was recently arraigned and that defense counsel needs additional time to review discovery that was produced in this case;
2. Given that the defense needs additional time to discuss this case and the evidence with defendant and to research and to investigate the charges;
3. Given that these above-listed tasks are necessary for the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and defendant in a speedy trial;

Based on these findings, it is hereby ordered that the status hearing date of March 11, 2016, scheduled at 9:30 a.m., is vacated and reset for status or motion setting on April 15, 2016, at 9:30 a.m. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from March 11, 2016 through April 15, 2016.

DATED: March 9, 2016

